



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,050	08/09/2001	Ryosuke Takeuchi	450100-03410	4114

20999 7590 05/08/2006

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

TRAN, HENRY N

ART UNIT PAPER NUMBER

2629

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/927,050

Applicant(s)

TAKEUCHI, RYOSUKE

Examiner

Henry N. Tran

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. The Amendment received 3/3/06 has been considered in preparing this Office action. Applicant's amendments to the claims have overcome all of the objections and rejections recited in the Office action mailed 12/8/05. Therefore, the objections and the rejections have been withdrawn. However, upon further consideration, new grounds of rejection are made in view of Inoue et al (U.S. Patent No. 6,332,024) as follows.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Inoue et al (U.S. Patent No. 6,332,024, hereinafter referred to as "Inoue").

Re claim 1, Inoue teaches a portable telephone (1) comprising: a display screen (2) adapted to display information using a pointer, e.g., pointer CA4 of Fig. 4E, indicative of a direction toward predetermined information, e.g., functional item "HOLD", which is present within the display screen of the display unit of the portable telephone, whereby the display screen displays information in a display unit; a first operating portion (3) ("main softkey 3") which is operated in opposing directions by a user; the display screen (2) of the display unit for displaying information including a block, e.g., Icon IA40 of Fig. 4E, indicative of said first

Art Unit: 2629

operating portion, said predetermined information, which are menu information, and said pointer CA4; a system controlling means (10) for controlling said display unit so as to shift said pointer to a desirable position within said predetermined information displayed on the display screen in accordance with an operation of said first operating portion and for displaying the direction to which said pointer should be shifted to locate said predetermine information in the display unit; and editing means comprising the main softkey 3, the first and second auxiliary keys (4A and 4B), and the key group (5), for permitting said user to edit said predetermined information displayed on said display unit; see Figs. 1, 2, 4 and 6; col. 5, line 1 to col. 6, line 3; col. 8, lines 24-39; and col. 9, line 59 to col. 12, line 9.

Re claim 2, Inoue further teaches that said predetermined information is menu information composed of a plurality of items, and said pointer is located correspondingly to one of said plurality of items; see Fig. 4E.

Re claim 3, Inoue further teaches that said predetermined information is text information, and said pointer is located correspondingly to one symbol (item "1.HOLD") in said text information; See Fig. 4E.

Re claim 4, Inoue further teaches that said first operating portion (3) is a dial which is rotated in opposing directions by said user; see Fig. 1; and col. 5, lines 11-14.

Re claim 5, Inoue further teaches that the portable telephone further comprising a second operating portion which comprises the first and second auxiliary keys (4A and 4B) for shifting said pointer in a direction vertical to a shift direction of said pointer through said first operating portion (3), wherein said controlling means (10) controls said display unit so as to display a mark, e.g., icons Ic21 and Ic22 of Fig. 6C, indicative of a direction to which said pointer

Art Unit: 2629

is shifted by said second operating portion and in which said predetermined information exists, adjacently to said block along a shift direction through said second operation; see Fig. 6.

Re claim 6, Inoue further teaches that said second operating portion comprises two keys, the first and second auxiliary keys (4A and 4B), which are arranged closely to each other, on both sides of said first operating portion (3); See Fig. 1.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

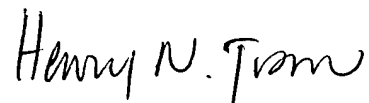
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It is U.S. Patent No. 6,097,964 issued to Nuovo et al, which teaches a portable telephones having a dial key (10) and two softkeys (8) for editing information displayed on a display screen (3).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry N. Tran whose telephone number is 571-272-7760. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD A. HJERPE can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Henry N Tran  
Primary Examiner  
Art Unit 2629

HT  
5/4/06

